



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: City Dacha LLC Rezone

Proposal Address: 160 118th Ave SE

Proposal Description: Request to change the zoning on a 0.43-acre site from R-1 (Single-Family Residential) to R-20 (Multi-Family Residential). The rezone is consistent with a previously-approved Comprehensive Plan Amendment (CPA), which changed the Comprehensive Plan designation for the property from Public/Single Family-Low (SF-L) to Multi-Family Medium (MF-M).

File Number: 17-131047-LQ

Applicant: Greg Krape

Decision: Process III Rezone

Planner: Peter Rosen

State Environmental Policy Act (SEPA): Current proposal is within same scope as the previously approved Comprehensive Plan Amendment (CPA) and is relying upon the final SEPA threshold DNS issued on October 4, 2018, consistent with WAC 197-11-600(4)(a)

Director's Recommendation: **Approval with Conditions**



Elizabeth Stead, Land Use Director
Development Services Department

Notice of Application: December 22, 2017
Notice of Recommendation: April 4, 2019
Public Hearing Date: April 18, 2019

For information on how to participate in a public hearing, visit the City Hearing Examiner's office webpage at: <https://bellevuewa.gov/city-government/departments/city-clerks-office/hearing-examiners-Office> or call 425-452-6934

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Attachments:

1. Single Family Transition Zone - Attached
2. Comprehensive Plan Amendment, Ordinance #6447 - Attached

I. REQUEST

The applicant, Greg Krape, is requesting a rezone for a 0.43-acre site (18,870 SF) to change the zoning designation from R-1 (Single-Family Residential) to R-20 (Multi-Family Residential).

The subject property is located at 160 118th Ave SE in the Wilburton/NE 8th St subarea.

II. REVIEW PROCESS

Rezone

Rezoning is subject to a Process III review procedure (Land Use Code 20.35.300) that requires a quasi-judicial decision made by the City Council. The Director makes a recommendation to the Hearing Examiner for approval, approval with conditions, or denial based on the applicable Land Use Code decision criteria. This Staff Report contains the Director's recommendation to the Hearing Examiner concerning this Rezone proposal and the decision criteria and decision criteria compliance are discussed in Section VIII of this report.

The Hearing Examiner holds a public hearing and takes testimony from the public on the proposal. Following the public hearing, the Hearing Examiner recommends to the City Council approval, approval with conditions, or denial based on whether the proposal complies with the applicable decision criteria by a preponderance of the evidence. The City Council will then make a final decision based on the record established by the Hearing Examiner.

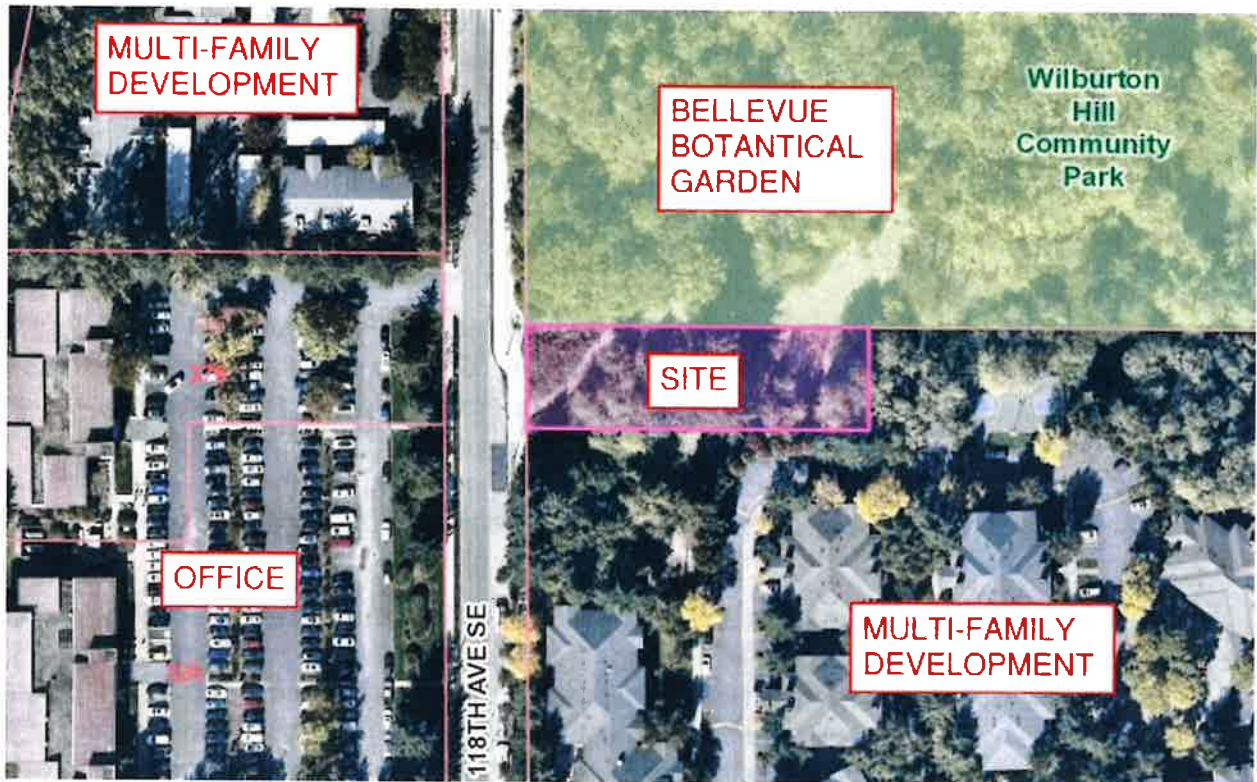
III. SITE DESCRIPTION, CONTEXT AND ZONING

A. Site Description

The subject site is approximately 0.43 acres (18,870 SF) and is located within the Wilburton/NE 8th St subarea. The site presently contains a small, uninhabited cabin (290 SF) that was constructed in 1900. The remainder of the site is vegetated with scattered trees and shrubs.

The site is located adjacent to and directly south of the Wilburton Hill Community Park and Bellevue Botanical Garden. There is multi-family development adjacent to the east and south of the site. Across 118th Ave SE from the site is a surface parking lot for an office development. See Figure 1 – Vicinity Map.

Figure 1 - Vicinity Map



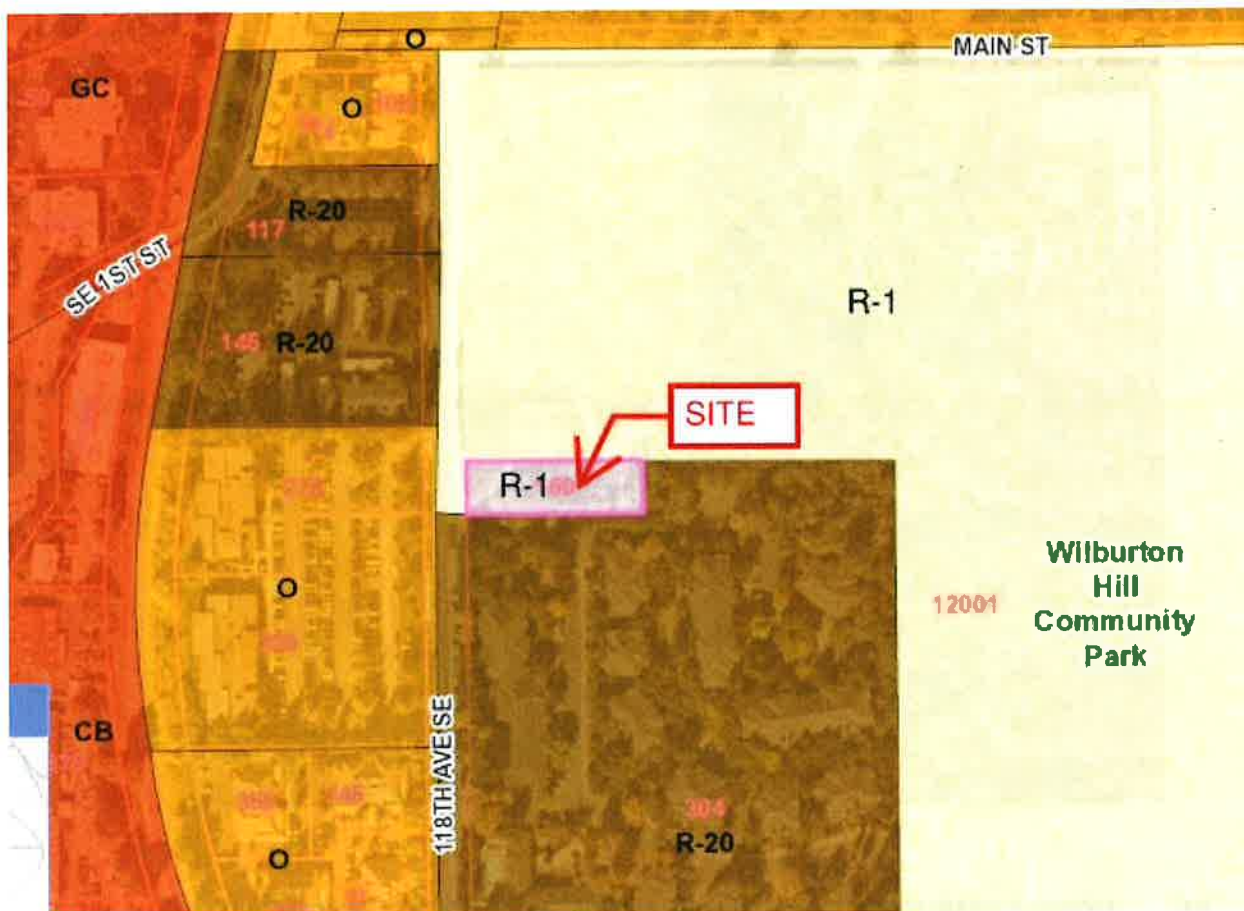
The site, now owned by the applicant, was owned for many years by an individual who resided in the house on the property. At some point after the sale of the property, unpermitted clearing and grading occurred on the site, with documented damage to wetland and wetland buffer areas near to, and within, the Wilburton Community Park boundary. The City filed an enforcement action. The owner is required to mitigate the environmental damage caused by the clearing and grading and restore the site and park in compliance with City regulations through a Voluntary Compliance Agreement, or VCA.

B. Zoning and Land Use

The property is currently within the R-1 (Single-Family Residential) land use district. The surrounding zoning and land use is as follows:

- North: R-1 – Wilburton Hill Community Park/Bellevue Botanical Garden
- South: R-20 – Multi-family Development
- West: Office, R-20 – Office and Multi-family Development
- East: Multi-family Development, Wilburton Hill Community Park/Bellevue Botanical Garden

Figure 2 – Existing Zoning Map



Comprehensive Plan: A privately-initiated proposal to amend the Comprehensive Plan designation from Public/Single-Family Low (P/SF-L) to Multi-Medium (MF-M) was submitted for consideration with the 2018 annual Comprehensive Plan amendments.

One of the rationales for the CPA was that the site's Public/Single-Family Low (P/SF-L) designation considered the site as a future part of the Wilburton Hill Community Park. But, since the site will not be acquired for park purposes, the designation was an unintended consequence to considering the appropriate density on this site.

The Planning Commission held public meetings and a public hearing on the Comprehensive Plan Amendment was held October 24, 2018. Notice of the public hearing was published in the Weekly Permit Bulletin on October 4, 2018. The Planning Commission recommended approval to the City Council at the Commission's meeting on October 24, 2018. On December 10, 2018, the City Council adopted the proposed amendment to the Comprehensive Plan (Ord. 6447).

Figure 2 – Comprehensive Plan Map



IV. CONSISTENCY WITH LAND USE CODE/ ZONING REQUIREMENTS

A. General Provisions of the Land Use Code

1. Allowed Uses and Density

The existing R-1 zoning allows only single-family detached residences on separate lots, except through a PUD process. The subject site is approximately 18,870 SF; the R-1 zone allows a density of 1 dwelling unit per acre and requires a minimum lot size of 35,000 SF. Therefore, the subject site could not be subdivided, and the density would allow for development of 1 single-family detached residence.

The proposed R-20 zoning allows for multi-family development; multiple units may be attached or included in a single building on a lot. The R-20 zone allows a maximum density of 20 dwelling units per acre. Allowed density is modified if critical areas or buffers are present on a site and density is then calculated per LUC 20.25H.045. The R-20 zone allows a minimum lot size of 8,500 SF, so the subject site could be subdivided. However, subdividing the lot would not be required to construct multi-family development.

2. Dimensional Requirements

The proposal would change the zoning designation from R-1 to R-20. A listing of the applicable dimensional standards for both the R-1 and R-20 zones is provided below:

Zoning	Existing R-1	Proposed R-20
ITEM	REQUIRED/ALLOWED	REQUIRED/ALLOWED
Minimum Lot Area	35,000 SF	8,500 SF
Residential Density - Dwelling Units per Acre	1	20
Setbacks for Structures:		
Front setback	35 FT	20 FT
Rear setback	25 FT	25 FT
Side setback	5 FT	5 FT
2 Side yard setbacks	20FT	15 FT
Maximum Building Height	30 FT for a flat roof 35 FT for a pitched roof	30 FT ¹
Maximum Lot Coverage	35%	35%
Maximum Impervious Surface	45%	65%

¹ Except in Transition Areas, the maximum allowable building height in R-20 Districts may be increased to 40 feet if ground floor or underground parking for that building is provided and occupies a minimum of 75 percent of the building footprint.

V. TECHNICAL REVIEW

A. Utility Department

The Utilities Department technical staff confirms that there is sufficient capacity in existing utilities to provide service to this site, and there are no utilities related conditions regarding the proposed rezone.

B. Transportation Department

The applicant is proposing to rezone this 0.43 acre property from R-1 to R-20. This may result in some additional vehicle trips generated when the site is developed but is not expected to result in a significant traffic or transportation impact. The location of the access to the property is not part of the rezone and will be determined when a development is proposed. The transportation review of any development proposal will include the incremental impacts of the rezone, and any mitigation required for the development proposal will mitigate potential rezone impacts as well.

VI. STATE ENVIRONMENTAL POLICY ACT

A non-project SEPA Determination of Non-Significance (DNS) was previously issued for the Comprehensive Plan Amendment (CPA) on the site; File # 17-131106-AC issued on October 4, 2018. The CPA amended the Comprehensive Plan designation on the site from Public/Single-Family Low (SF-L) to Multifamily-Medium (MF-M). The current rezone proposal is the same proposal as was previously evaluated; there is no new information, regulatory changes, or changes to the proposal that would require additional review of potential environmental impacts. Therefore, the SEPA determination for the CPA is being adopted consistent with WAC 197-11-600(4)(a). A copy of the prior SEPA documentation is attached to the CPA Ordinance, see Attachment 2. A project-level environmental review will be completed during the review of development on the site.

VII. PUBLIC NOTICE AND COMMENT

Application Date:	December 22, 2017
Notice of Application:	January 17, 2019
Public Notice Sign:	January 17, 2019
Minimum Comment Period:	January 31, 2019
Public Meeting:	January 29, 2019 at 6:00 p.m. at City Hall

The rezone application was noticed on January 17, 2019; published in the City of Bellevue's Weekly Permit Bulletin and mailed to taxpayers and occupants within 500 feet of the project site. A two-sided Public Information Sign was installed on the project site on the same day. The Notice of Application included notice of a Public Meeting which was held on January 29, 2019 at City Hall. Four people, in addition to the applicant and his attorney, attended the public meeting. The four residents asked for more information about what could be developed on the site, and the residents provided background and local history of the site. There were no specific objections to the rezone. No written comments have been received.

VIII. DECISION CRITERIA

Rezone Decision Criteria - LUC 20.30A.140

The City may approve, or approve with modifications, an application for a rezone of property if: if the following decision criteria listed in LUC Section 20.30A.140 can be met:

A. The rezone is consistent with the Comprehensive Plan:

Finding: The City Council approved a Comprehensive Plan Amendment (CPA) on December 10, 2018, Ord. 6447, changing the Comprehensive Plan designation on the site from Public/Single-Family Low (SF-L) to Multifamily-Medium (MF-M).

The proposed rezone to R-20 is consistent with the Multifamily-Medium (MF-M) Comprehensive Plan designation. The rezone is necessary to change the zoning designation to ensure consistency with the Comprehensive Plan.

The following is a summary of relevant Comprehensive Plan policies:

Land Use Element Policies:

Policy LU-5: *Ensure enough properly zoned land to provide for Bellevue's share of the regionally adopted demand forecasts for residential, commercial, and industrial uses for the next 20 years.*

Policy LU-6: *Encourage new residential development to achieve a substantial portion of the maximum density allowed on the new buildable acreage.*

Policy LU-9: *Maintain compatible use and design with the surrounding built environment when considering new development or re-development within an already developed area.*

Policy LU-23: *Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community,*

Finding: The request to rezone to a higher density residential zone is consistent with the Land Use Element Policies above. The rezone supports Bellevue's commitment to accommodate regional growth and provide additional residential development compatible with surrounding properties.

B. The rezone bears a substantial relation to the public health, safety, or welfare.

Finding: The proposal would allow a moderate increase in density on the property, which is more consistent with the zoning and existing development on surrounding properties. It is consistent with current Comprehensive Plan policies which anticipate multifamily development east of 118th Ave SE. The rezone furthers the public health, safety, and welfare by creating an appropriate transition between the higher density commercial uses to the west and the lower density uses to the east and north of the site. The rezone would support moderate density, including potential for housing, within one block of the Eastside Rail corridor, which would promote multi-modal transportation opportunities consistent with the City's goals for enhanced connectivity between Wilburton and Downtown.

The development will not require new public facilities, as there is capacity within the transportation network, the utility system, and other public services such as fire and police to accommodate additional development potential.

C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property.

Finding: The City Council approved a Comprehensive Plan Amendment (CPA) designating the subject property as Multifamily-Medium (MF-M). The proposed rezone to

R-20 is consistent with the Multifamily-Medium (MF-M) Comprehensive Plan designation. The rezone is necessary to change the zoning designation to ensure consistency with the Comprehensive Plan.

The proposed rezone would allow the property to develop with multifamily uses at a density similar to the adjacent property to the south, appropriate for reasonable development of the subject property.

D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

Finding: The proposed rezone would enhance the transition between the higher density commercial uses west of 118th Ave SE and the lower density Wilburton Hill Community Park and single-family uses to the east and north. The rezone would allow for multifamily uses and development compatible with the adjacent property to the south

The subject site is directly adjacent to the south of the Wilburton Community Park/Bellevue Botanical Garden, which is zoned R-1. A Transition Area Design District is required to provide a buffer between a residential land use district and a land use district which permits development at a higher intensity, where a multifamily zoned parcel is adjacent to single-family zoning. The property to the south (zoned R-20) includes the Single Family Transition Zone because it is adjacent to the Wilburton Hill Community Park and the transition zone also applies to the properties across 118th Ave SE from the park (See Attachment 1, Single Family Transition Zone). The transition zone would have the effect of limiting the building height to 30 feet. The building height could increase to 40 feet if ground floor or underground parking is provided and occupies a minimum of 75% of the building footprint (Note 5, LUC Chart 20.20.10, Dimensional Requirements). Applying the Single Family Transition Zone to the subject site is recommended for compatibility with adjacent properties and to ensure the rezone will not be detrimental to uses or property in the immediate vicinity of the subject property.

E. The rezone has merit and value for the community as a whole.

Finding: Rezoning the site would add value to the community by providing additional residential infill opportunities consistent with the development pattern and existing character of the neighborhood, and consistent with the policies established in the comprehensive plan.

IX. RECOMMENDATION

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, SEPA and City Code & Standard compliance reviews, the Director does hereby **RECOMMEND APPROVAL WITH CONDITIONS** of the City Dacha LLC rezone proposal.

X. CONDITION OF APPROVAL

1. Authority

Approval of this rezone does not constitute an approval of any Land Use Entitlement review, or any other ancillary permits that may be required for the design and construction of any proposed development on the rezone site.

AUTHORITY: LUC 20.30A
REVIEWER: Peter Rosen, Land Use

2. Single Family Transition Zone –The Single Family Transition Zone should be adopted and applied to the subject parcel.

AUTHORITY: LUC 20.25B.020
REVIEWER: Peter Rosen, Land Use

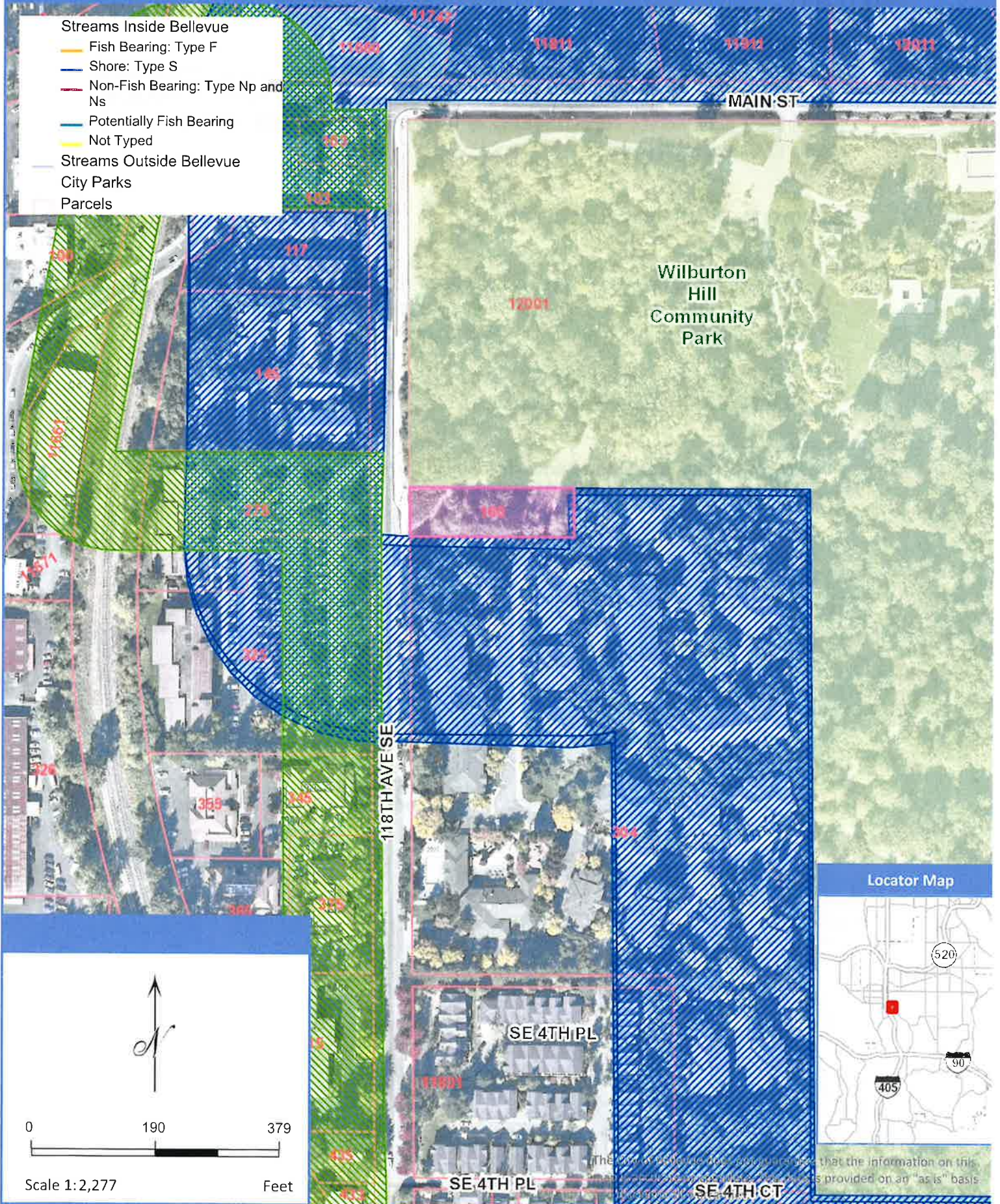
Transition zone

Attachment 1



Streams Inside Bellevue

- Fish Bearing: Type F
- Shore: Type S
- Non-Fish Bearing: Type Np and Ns
- Potentially Fish Bearing
- Not Typed
- Streams Outside Bellevue
- City Parks
- Parcels



Locator Map



The City of Bellevue does not guarantee that the information on this map is accurate or complete. The City is provided on an "as is" basis.

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6447

AN ORDINANCE adopting the City Dacha LLC (17-131046 AC) 2018 amendment to the Comprehensive Plan of the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993 as subsequently amended, as required by the Growth Management Act of 1990, as amended; and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on an annual basis; and

WHEREAS, a privately-initiated proposal to amend the Wilburton/NE 8th St. Subarea Plan map from Public/Single Family-Low (P/SF-L) to Multifamily-Medium (MF-M) at 160 118th Ave SE was submitted for consideration with the 2018 annual Comprehensive Plan amendments; and

WHEREAS, the Planning Commission has held public meetings and a public hearing pursuant to legally-required notice on the proposed amendment to the Comprehensive Plan and has recommended approval to the City Council; and

WHEREAS, the City Council has considered and discussed the proposed annual amendment to the Comprehensive Plan; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BMC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Wilburton/NE 8th St. Subarea Plan map included as Attachment A to this ordinance and changing the comprehensive plan land use designation of the property located at 160 118th Ave SE from Public/Single Family-Low (P/SF-L) to Multifamily-Medium (MF-M) is hereby adopted.

Section 2. The City Council finds that the 2018 City Dacha LLC CPA has met the Comprehensive Plan amendment decision criteria contained in the Land Use Code (Part 20.30I); that the amendment is consistent with the Comprehensive Plan and other goals and policies of the City; that the amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; that the amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was considered; that if a site-specific amendment, the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications; and that the proposed amendment demonstrates a public benefit and enhance the public health, safety and welfare of the City.

Section 3. The City Council finds that public notice was provided for all 2018 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 4. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with Section 1 of this ordinance and the separate ordinances referenced therein.

Section 5. This ordinance shall take effect and be in force five (5) days after its passage and legal publication. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this 10th day of December, 2018 and signed in authentication of its passage this 10th day of December 2018.



John L. Chelminiak
John Chelminiak, Mayor

Approved as to form:

Nicholas Melissinos, Interim City Attorney

Catherine A. Drews

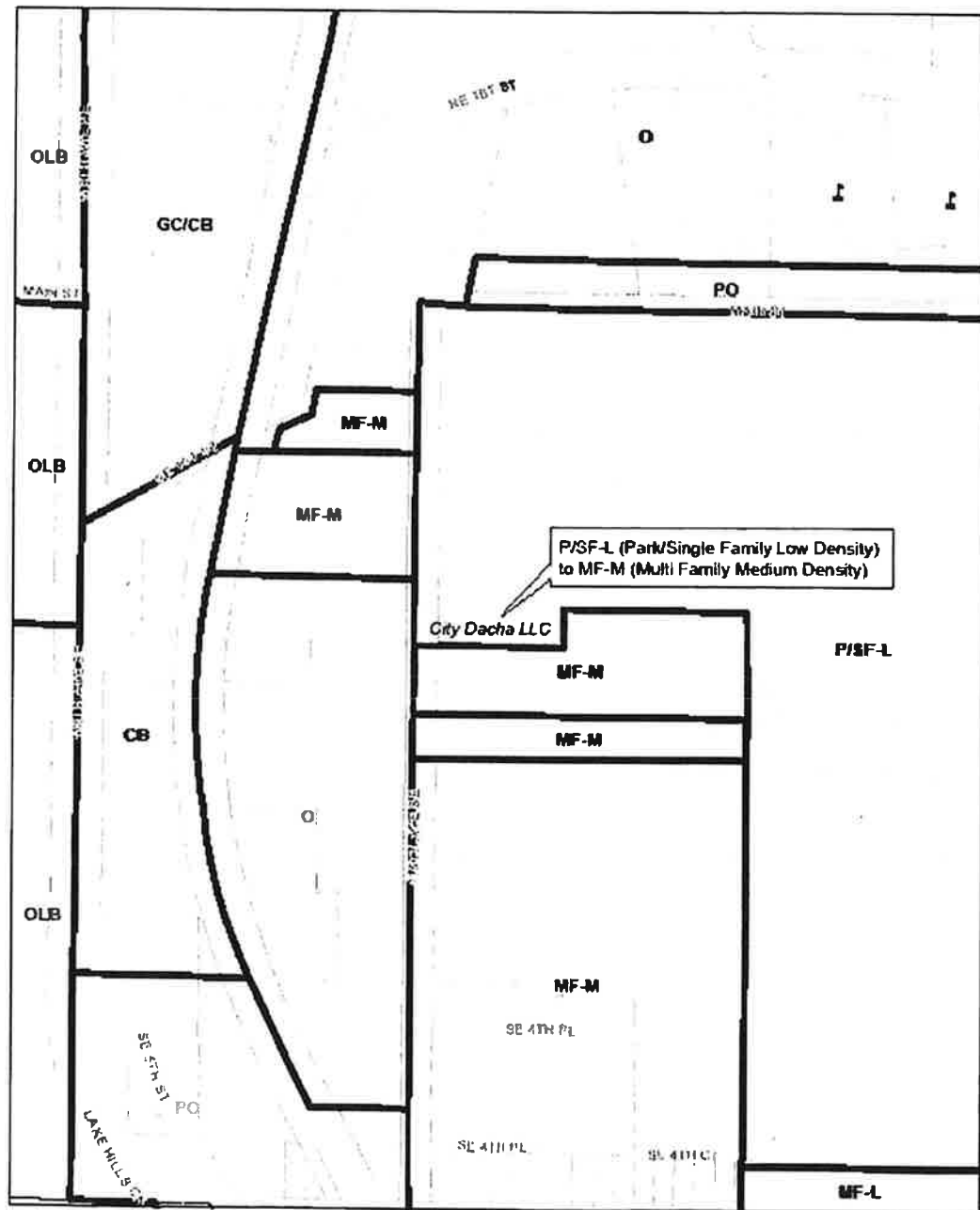
Catherine A. Drews, Assistant City Attorney

Attest:

Kyle Stannert
Kyle Stannert, City Clerk

Published December 13, 2018 2018

Attachment A
City Dacha LLC CPA



City Dacha LLC

SF Single Family
 MF Multi Family
 -L Low Density
 -M Medium Density
 -H High Density
 -UR Urban Residential

PO Professional Office
 O Office
 CB Community Business
 GC General Commercial
 P Park

Public School
 Comprehensive Plan
 Parcel
 Area of Interest



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City Dacha LLC

LOCATION OF PROPOSAL: N/A

DESCRIPTION OF PROPOSAL: 2018 Annual Amendments to the Comprehensive Plan, including a Work Program and proposed amendments to the Bellevue Comprehensive Plan for purposes of RCW 36.70A.130, assuring that the Plan continues to comply with the requirements of the GMA and including consideration of emerging local and regional needs, changes to state and federal laws, Bellevue's progress towards meeting GMA Goals, and whether the Plan is internally consistent.

FILE NUMBER(S): 17-131106 AC to amend the map designation on 0.43 acres of property at 160 118th Ave SE from Public/Single Family-Low (SF-L) to Multifamily-Medium (MF-M).

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklists and information filed with the Land Use Division. This information is available to the public on request.

- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☒ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on 10/18/18.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. See LUC 20.35.250C.

E. S. D. For CARA HEWARD
Environmental Coordinator

10/4/18
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife	King County
U.S. Army Corps of Engineers	Muckleshoot Indian Tribe
Attorney General	

